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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,272	12/12/2003	James B. Piket	33692.03.1427	3599
23418 7590 06/22/2007 VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			EXAMINER JAMAL, ALEXANDER	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/735,272

Applicant(s)

PIKET ET AL.

Examiner

Alexander Jamal

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-26 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, as per claim 12, the information generator to produce location information, and the echo canceling devices that are coupled to the generator (and the manner in which they are coupled to the generator) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

2. The disclosure is objected to because of the following informalities: : It is not clear what the amplifier 584 in Fig. 7 is doing with the two input signals. Are the signals combined? amplified separately? Subtracted, added? Examiner requests clarification or correction of the claim language, figure 7, and the specification.

Appropriate correction/clarification is required.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1,4,10,21,25,2,5,3,8,24,6,14,22,26,23** are rejected under 35 U.S.C. 102(b) as being anticipated by Hemkumar (6282176).

As per **claim 1**, Hemkumar discloses an echo cancel circuit in Figs. 1 and 2. The circuit comprising uplink (transmit) attenuator 164 (Fig. 1) that attenuates post echo canceller 152 data. The canceler further comprises ERL based attenuation data generator (Col 17 lines 20-45) that determines near-end and far-end and doubletalk signaling states and provides attenuation data (the control bits) in response to the measured and calculated ERL data (Col 23 lines 45-50). The double talk detector performs the ERL

measurements using pre-echo canceller uplink signal 204 (Fig. 2), attenuated downlink data (the echo canceller of Fig.2 is implemented after the suppression stage 140 in Fig. 1).

As per **claim 4**, it is rejected as per the claim 1 rejection. There is additionally a downlink RX suppression stage 140 that is controlled based on the double-talk detection (which is based on ERL measurements) (ABSTRACT). The ERL data is determined instantaneously, as Col 18 lines 25-30 discloses that the 'current' ERLE is used.

As per **claims 10,21,25 they are** rejected as per the claim 4 rejection. The device may be implemented in a telephone (Col 1 lines 10-25) that inherently comprises a housing for the purpose of supporting the internal circuitry. The phone inherently comprises a transceiver for the subscriber loop interface and for the speaker/microphone interface for the purpose of transmitting/receiving the standard bidirectional telephone communication signals. Fig. 1 discloses a microcontroller interface 112 that inherently requires software for the purpose of controlling and implementing the hardware functions.

As per **claims 2,5**, the ERL calculates data based on a ratio of pre echo canceller uplink (Res) data and Downlink (Sin) data (Col 16 lines 5-30). The Res signal is based on the pre-echo canceller uplink signal minus the echo canceller estimate. The uplink and downlink attenuation data formed are the control bits to set the appropriate attenuator settings.

As per **claims 3,8,24**, the attenuators are set to respond to the ERLE measurement and will attenuate accordingly. The ERLE measurement is only updated periodically (as

is the nature of a digital system, it is dependant on at least the clock rate of the system).

During the time between updates the current attenuation settings for both the uplink and downlink attenuators will be maintained.

As per **claim 6**, the standard ERLE data is updated when there is a known good reading (ie. not a double talk condition) (Col 18 lines 15-50).

As per **claim 14**, it is rejected as per the claim 10 rejection.

As per **claims 22,26**, they are rejected as per the claim 2 and 10 rejections.

As per **claim 23**, the ERLE is used to determine the double-talk state of the device.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 15-20** rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US20040078104A1) in view of Hemkumar (6282176) and further in view of Takahashi et al. (6891954).

As per **claim 15**, Nguyen discloses an audio system in a vehicle comprising a playback module Fig. 2 that comprises a cd player and tuner selectably coupled to an

output speaker. Nguyen additionally discloses wireless cellphone 182 coupled to the same speaker. The cell phone inherently comprises a wireless transceiver for the purpose of performing cellular communication. However Nguyen does not disclose applying an echo canceller/attenuator to the uplink and downlink signaling in the phone coupled to the car audio system, or a common output amplifier that is coupled to the outputs from all of the audio sources.

Hemkumar discloses that phones may use echo canceller to cancel unwanted echoes (Col 1 lines 1-30). Hemkumar discloses the echo canceller components as per the claim 10 rejection. It would have been obvious to one of ordinary skill in the art at the time of this application to implement an echo canceller in the in-car phone system of Nguyen for the purpose of canceling unwanted echoes.

Takahashi discloses an in car audio system that comprises output amplifier 24 (Fig. 2) that accepts inputs from multiple input devices 11,12. Takahashi teaches that this configuration will allow for the input devices (such as the tuner or tape deck) to be easily interchanged and the user can easily interface various input devices with varying output amplifiers. (Col 3 lines 15-55). The power amplifier is also implemented in order to provide a signal with enough power to drive the speaker (Col 2 line 60 to Col 3 line 20). It would have been obvious to one of ordinary skill in the art at the time of this application to implement a common buffer amplifier and output speaker amplifier for the purpose of providing a more universal interface and in order to provide enough power to drive the output speaker.

As per **claim 16**, it is rejected as per the claim 15 rejection

As per **claim 17**, it is rejected as per the claim 2 rejection.

As per **claim 18**, Takahashi discloses an output speaker after the amplifier stage.

As per **claim 19**, it is rejected as per the claim 10 rejection.

As per **claim 20**, it is rejected as per the claim 3 rejection.

7. **Claim 7** rejected under 35 U.S.C. 103(a) as being unpatentable over Hemkumar (6282176) as applied to claims 4,5 and further in view of Takahashi et al. (6891954).

As per **claim 7**, Hemkumar discloses an echo canceller as per the claim 4 rejection, with D/A converter 144, and A/D converter 136 (Fig. 1). The ERLE circuitry would detect any changes in signal amplitude made before or after D/A converter because the measurement comprises both the downlink and uplink signals (both of which will be affected by the level of the downlink signal). Any change in gain (such as that caused by an amplifier) will be detected by the ERLE measurement. The echo canceller when implemented in a phone, inherently comprises a speaker and microphone for speaking and listening. However, Hemkumar does not disclose a power amplifier after the D/A converter (although his ERLE detection would be able to detect any gain changes in the amplifier).

Takahashi discloses an in car audio system that comprises output amplifier 24 (Fig. 2) that accepts inputs from multiple input devices 11,12. Takahashi teaches that this configuration will allow for the input devices (such as the tuner or tape deck) to be easily interchanged and the user can easily interface various input devices with varying output



amplifiers. (Col 3 lines 15-55). The power amplifier is also implemented in order to provide a signal with enough power to drive the speaker (Col 2 line 60 to Col 3 line 20) It would have been obvious to one of ordinary skill in the art at the time of this application to implement a common buffer amplifier and output speaker amplifier for the purpose of providing a more universal interface and in order to provide enough power to drive the output speaker.

8. **Claims 11,12** rejected under 35 U.S.C. 103(a) as being unpatentable over Hemkumar (6282176) as applied to claim 10, and further in view of Nguyen et al (US20040078104A1).

As per **claims 11,12**, Hemkumar discloses that phones may use echo canceller to cancel unwanted echoes (Col 1 lines 1-30). Hemkumar discloses the echo canceller components as per the claim 10 rejection. However Hemkumar does not disclose applying an echo canceller/attenuator to the uplink and downlink signaling in the phone coupled to a car audio system, or a common output amplifier that is coupled to the outputs from all of the audio sources.

Nguyen discloses an audio system in a vehicle comprising a playback module Fig. 2 that comprises a cd player and tuner selectably coupled to an output speaker. Nguyen additionally discloses wireless cellphone 182 coupled to the same speaker. The cell phone inherently comprises a wireless transceiver for the purpose of performing cellular communication. It would have been obvious to one of ordinary skill in the art at the time of this application to implement an echo canceller in the in-car phone system of Nguyen for the purpose of canceling unwanted echoes.

9. **Claim 13** rejected under 35 U.S.C. 103(a) as being unpatentable over Hemkumar (6282176) in view of Nguyen et al (US20040078104A1) as applied to claims 10 and 11, and further in view of Lau et al. (6122506).

As per **claim 13**, Hemkumar and Nguyen disclose an audio system in a vehicle comprising a playback module Fig. 2 (NGUYEN) that comprises a cd player and tuner selectably coupled to an output speaker. Nguyen additionally discloses wireless cellphone 182 coupled to the same speaker. However Nguyen and Hemkumar do not disclose location hardware and software implemented with the cellular phone.

Lau teaches a combine cell phone and GPS system with microprocessor (which inherently comprises software to perform the phone and GPS functions (ABSTRACT). It would have been obvious to one of ordinary skill in the art at the time of this application to implement a GPS function in the phone of Nguyen for the advantage (inherent to a GPS system) of providing the user with location monitoring.

### ***Allowable Subject Matter***


**Claim 9** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

Examiner Alexander Jamal  
June 17, 2007

A handwritten signature in black ink, appearing to read 'Alexander Jamal', is written over a horizontal line.